

# SENATE BILL No. 281

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-8-1; IC 9-19-6-4; IC 9-21-7-2; IC 35-47-2-3; IC 36-5-7-7; IC 36-8; IC 36-9-16.

**Synopsis:** Local law enforcement issues. Authorizes funds in the county law enforcement continuing education fund to be used for the purchase of software, electronics, cameras, and other technology. Specifies that motor vehicles, trailers, semitrailers, and pole trailers (excluding truck-tractors, truck-tractor semitrailer-semitrailer combinations equipped with a B-train assembly, vehicles manufactured before 1956, motorcycles, and other motor-driven cycles) must have two working tail lamps to be operated on a highway. Allows money in the firearms training fund to be used to purchase body armor. Makes technical corrections: (1) requiring a city, town, or county to provide an active member of the police department with body armor for the torso; (2) requiring a city, town, or county to replace armor according to the replacement period recommended by the manufacturer of the armor; and (3) providing that a unit cumulative capital improvement fund may be used to purchase body armor for active members of a police department.

**Effective:** July 1, 2010.

**Arnold**

January 11, 2010, read first time and referred to Committee on Local Government.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## SENATE BILL No. 281

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-2-8-1, AS AMENDED BY P.L.20-2009,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2010]: Sec. 1. (a) The following definitions apply in this  
4 section:

5 (1) "Abuse" means:

6 (A) conduct that causes bodily injury (as defined in  
7 IC 35-41-1-4) or damage to property; or

8 (B) a threat of conduct that would cause bodily injury (as  
9 defined in IC 35-41-1-4) or damage to property.

10 (2) "County law enforcement agency" includes:

11 (A) postsecondary educational institution police officers  
12 appointed under IC 21-17-5 or IC 21-39-4; and

13 (B) school corporation police officers appointed under  
14 IC 20-26-16.

15 (b) There is established in each county a county law enforcement  
16 continuing education program. The program is funded by amounts  
17 appropriated under **IC 33-37-8-4 or** IC 33-37-8-6.



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(c) A county law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
  - (A) minimize the likelihood of injury to the law enforcement officer; and
  - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.

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(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(18) Performing cardiopulmonary resuscitation and the Heimlich maneuver.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

**(j) Money in the county law enforcement continuing education fund may be used only to:**

**(1) fund a continuing education program; or**

**(2) purchase software, electronic devices, cameras, or other technology designed to assist a county law enforcement agency in carrying out its mission.**

SECTION 2. IC 9-19-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) Except as otherwise provided in this section:

(1) a motor vehicle, trailer, semitrailer, and pole trailer; and

(2) any other vehicle that is drawn at the end of a train of vehicles;

must be equipped with at least one (1) tail lamp mounted on the rear that when lighted as required in this chapter, emits a red light plainly visible from a distance of five hundred (500) feet to the rear.

(b) Only the tail lamp on the rear-most vehicle of a train of vehicles is required to be seen from the distance specified.

**(c) Excluding a truck-tractor semitrailer-semitrailer combination equipped with a B-train assembly (as defined in IC 9-13-2-13) governed by section 7 of this chapter, truck-tractor, motorcycle, or motor-driven cycle:**

**(1) a motor vehicle, trailer, semitrailer, and pole trailer; and**

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(2) any other vehicle drawn at the end of a train of vehicles;  
~~excluding a truck-tractor,~~

that is

(1) registered in Indiana and

(2) manufactured or assembled after January 1, 1956, must be  
 equipped with at least two (2) tail lamps mounted on the rear that,  
 when lighted, complies with this section.

(d) A tail lamp upon a vehicle shall be located at a height of not less  
 than twenty (20) inches and not more than seventy-two (72) inches.

(e) Either a tail lamp or a separate lamp must be placed and  
 constructed so as to illuminate the rear registration plate with a white  
 light and make the plate clearly legible from a distance of fifty (50) feet  
 to the rear. A tail lamp or tail lamps, together with a separate lamp for  
 illuminating the rear registration plate, must be wired so as to be  
 lighted whenever the head lamps or auxiliary driving lamps are lighted.

SECTION 3. IC 9-21-7-2 IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) Except as provided in  
 subsection (b) and section 8 of this chapter, each vehicle upon an  
 Indiana highway:

(1) between the time from sunset to sunrise; and

(2) at any other time when, due to insufficient light or unfavorable  
 atmospheric conditions, persons and vehicles on the highway are  
 not clearly discernible at a distance of five hundred (500) feet  
 ahead;

must display lighted head lamps and other illuminating devices as  
 required for different classes of vehicles under this chapter.

(b) All lamp equipment required for vehicles described in IC 9-19-6,  
**including each tail lamp required by law**, shall be lighted at the times  
 mentioned in subsection (a), except that clearance and sidemarker  
 lamps are not required to be lighted on a vehicle when the vehicle is  
 operated within a municipality if there is sufficient light to render  
 clearly discernible persons and vehicles on the highway at a distance  
 of five hundred (500) feet.

SECTION 4. IC 35-47-2-3, AS AMENDED BY P.L.155-2007,  
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2010]: Sec. 3. (a) A person desiring a license to carry a  
 handgun shall apply:

(1) to the chief of police or corresponding law enforcement officer  
 of the municipality in which the applicant resides;

(2) if that municipality has no such officer, or if the applicant does  
 not reside in a municipality, to the sheriff of the county in which  
 the applicant resides after the applicant has obtained an

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1 application form prescribed by the superintendent; or  
 2 (3) if the applicant is a resident of another state and has a regular  
 3 place of business or employment in Indiana, to the sheriff of the  
 4 county in which the applicant has a regular place of business or  
 5 employment.

6 The superintendent and local law enforcement agencies shall allow an  
 7 applicant desiring to obtain or renew a license to carry a handgun to  
 8 submit an application electronically under this chapter if funds are  
 9 available to establish and maintain an electronic application system.

10 (b) The law enforcement agency which accepts an application for a  
 11 handgun license shall collect the following application fees:

12 (1) From a person applying for a four (4) year handgun license, a  
 13 ten dollar (\$10) application fee, five dollars (\$5) of which shall be  
 14 refunded if the license is not issued.

15 (2) From a person applying for a lifetime handgun license who  
 16 does not currently possess a valid Indiana handgun license, a fifty  
 17 dollar (\$50) application fee, thirty dollars (\$30) of which shall be  
 18 refunded if the license is not issued.

19 (3) From a person applying for a lifetime handgun license who  
 20 currently possesses a valid Indiana handgun license, a forty dollar  
 21 (\$40) application fee, thirty dollars (\$30) of which shall be  
 22 refunded if the license is not issued.

23 Except as provided in subsection (h), the fee shall be deposited into the  
 24 law enforcement agency's firearms training fund or other appropriate  
 25 training activities fund and used by the agency to train law enforcement  
 26 officers in the proper use of firearms or in other law enforcement  
 27 duties, or to purchase firearms, ~~or firearm related equipment, or both~~  
 28 **or body armor (as defined in IC 35-47-5-13(a))** for the law  
 29 enforcement officers employed by the law enforcement agency. The  
 30 state board of accounts shall establish rules for the proper accounting  
 31 and expenditure of funds collected under this subsection.

32 (c) The officer to whom the application is made shall ascertain the  
 33 applicant's name, full address, length of residence in the community,  
 34 whether the applicant's residence is located within the limits of any city  
 35 or town, the applicant's occupation, place of business or employment,  
 36 criminal record, if any, and convictions (minor traffic offenses  
 37 excepted), age, race, sex, nationality, date of birth, citizenship, height,  
 38 weight, build, color of hair, color of eyes, scars and marks, whether the  
 39 applicant has previously held an Indiana license to carry a handgun  
 40 and, if so, the serial number of the license and year issued, whether the  
 41 applicant's license has ever been suspended or revoked, and if so, the  
 42 year and reason for the suspension or revocation, and the applicant's

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reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

- (1) has a proper reason for carrying a handgun;
- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A four (4) year license shall be valid for a period of four (4) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

- (1) neither opposes nor supports an individual's right to bear

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arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;

(3) is under eighteen (18) years of age;

(4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name;

(2) changes the person's address; or

(3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a

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license;  
 the person shall, not later than thirty (30) days after the date of a change described under subdivision (3), and not later than sixty (60) days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

SECTION 5. IC 36-5-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 7. (a) As used in this section, "body armor" has the meaning set forth in IC 35-47-5-13(a).**

**(b) After December 31, 2010, a town shall provide the town marshal and active deputy marshals of the town with body armor for the torso. The town shall replace the body armor for the torso according to the replacement period recommended by the manufacturer of the body armor for the torso.**

**(c) The town marshal and active deputy marshals of the town may not be required to pay for maintenance of the body armor for the torso furnished under this section.**

**(d) Body armor for the torso provided by a town under this section remains the property of the town. The town may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the town.**

SECTION 6. IC 36-8-4-4.5, AS ADDED BY P.L.8-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 4.5. (a) As used in this section, "body armor" has the meaning set forth in IC 35-47-5-13(a).**

**(b) After December 31, 2009, A unit city shall provide an active member of the police department of the unit city with body armor for the torso. The unit city shall replace the body armor for the torso according to the replacement period recommended by the manufacturer of the body armor for the torso.**

**(c) An active member of the police department of a unit city shall**

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not be required to maintain the body armor for the torso furnished under this section from any annual cash allowance paid to the member under section 4(a) of this chapter.

(d) Body armor for the torso provided by a ~~unit~~ city under this section remains the property of the ~~unit~~ city. The ~~unit~~ city may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the ~~unit~~ city.

SECTION 7. IC 36-8-9-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 9. (a) As used in this section, "body armor" has the meaning set forth in IC 35-47-5-13(a).**

(b) After December 31, 2010, a town shall provide an active member of the police department of the town with body armor for the torso. The town shall replace the body armor for the torso according to the replacement period recommended by the manufacturer of the body armor for the torso.

(c) An active member of the police department of a town shall not be required to pay for maintenance of the body armor for the torso furnished under this section.

(d) Body armor for the torso provided by a town under this section remains the property of the town. The town may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the town.

SECTION 8. IC 36-8-10-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 4.5. (a) As used in this section, "body armor" has the meaning set forth in IC 35-47-5-13(a).**

(b) After December 31, 2010, a county shall provide an active member of the department with body armor for the torso. The county shall replace the body armor for the torso according to the replacement period recommended by the manufacturer of the body armor for the torso.

(c) An active member of the department shall not be required to maintain the body armor for the torso furnished under this section from any annual cash allowance paid to the member under section 4(c) of this chapter.

(d) Body armor for the torso provided by a county under this section remains the property of the county. The county may sell the property when it becomes unfit for use, and all money received shall be paid into the general fund of the county.

SECTION 9. IC 36-9-16-2, AS AMENDED BY P.L.8-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2010]: Sec. 2. (a) A unit may establish a cumulative building or sinking fund or cumulative capital improvement funds to provide money for one (1) or more of the following purposes:

(1) To purchase, construct, equip, and maintain buildings for public purposes.

(2) To acquire the land, and any improvements on it, that are necessary for the construction of public buildings.

(3) To demolish any improvements on land acquired under this section, and to level, grade, and prepare the land for the construction of a public building.

(4) To acquire land or rights-of-way to be used as a public way or other means of ingress or egress to land acquired for the construction of a public building.

(5) To improve or construct any public way or other means of ingress or egress to land acquired for the construction of a public building.

(b) In addition to the purposes described in subsection (a), a cumulative capital improvement fund may be used to purchase body armor (as defined in ~~IC 36-8-4-4.5(a)~~ **IC 35-47-5-13(a)**) for active members of a police department **under:**

**(1) IC 36-5-7-7;**

**(2) IC 36-8-4-4.5;**

**(3) IC 36-8-9-9; and**

**(4) IC 36-8-10-4.5.**

SECTION 10. IC 36-9-16-3, AS AMENDED BY P.L.8-2009, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 3. A unit may establish cumulative capital improvement funds to provide money for one (1) or more of the following purposes:

(1) To acquire land or rights-of-way to be used for public ways or sidewalks.

(2) To construct and maintain public ways or sidewalks.

(3) To acquire land or rights-of-way for the construction of sanitary or storm sewers, or both.

(4) To construct and maintain sanitary or storm sewers, or both.

(5) To acquire, by purchase or lease, or to pay all or part of the purchase price of a utility.

(6) To purchase or lease land, buildings, or rights-of-way for the use of any utility that is acquired or operated by the unit.

(7) To purchase or acquire land, with or without buildings, for park or recreation purposes.

(8) To purchase, lease, or pay all or part of the purchase price of

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motor vehicles for the use of the police or fire department, or both, including ambulances and firefighting vehicles with the necessary equipment, ladders, and hoses.

(9) To retire in whole or in part any general obligation bonds of the unit that were issued for the purpose of acquiring or constructing improvements or properties that would qualify for the use of cumulative capital improvement funds.

(10) To purchase or lease equipment and other nonconsumable personal property needed by the unit for any public transportation use.

(11) In a county or a consolidated city, to purchase or lease equipment to be used to illuminate a public way or sidewalk.

(12) The fund may be used for any of the following purposes:

(A) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:

(i) Computer hardware.

(ii) Computer software.

(iii) Wiring and computer networks.

(iv) Communication access systems used to connect with computer networks or electronic gateways.

(B) To pay for the services of full-time or part-time computer maintenance employees.

(C) To conduct nonrecurring inservice technology training of unit employees.

(13) To purchase body armor (as defined in ~~IC 36-8-4-4.5(a)~~ **IC 35-47-5-13(a)**) for active members of a police department under:

(A) IC 36-5-7-7;

(B) IC 36-8-4-4.5;

(C) IC 36-8-9-9; and

(D) IC 36-8-10-4.5.

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